

App. No. 09/670,073
Amendment Dated April 8, 2005
Reply to Office Action of January 31, 2005

REMARKS

The Office Action mailed January 31, 2005 has been received and the Examiner's comments carefully reviewed. Claims 1-63 are pending in this application. Claims 1-63 were rejected by the Office Action. Claims 1, 8, 13, 15-19, 29, 36, 47, 56 and 59-63 are amended. No new matter has been added. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

The Office Action rejected claims 1-63 under 35 U.S.C 103(a) as being unpatentable over U.S. Patent 5,649,200 issued to *Leblang* in view of U.S. Patent No. 4,558,413 issued to *Schmidt*. Applicants respectfully disagree.

Leblang is directed to a dynamic rule-based version control system. *Leblang* discloses a processor, a storage device for storing versions of objects, and an object version selector for providing the processor with access only to specific versions of target data objects as determined by a set of selection rules. The selection rules are evaluated for an object when that object is accessed by the processor. The version selector includes a means for viewing the selected versions of the target objects as a transparent file system having directories, files, and links. The version selector applies the existing version selection rules to newly created objects, and can also store the identity of a selected object version in a cache memory. The version selection rules include a rule for selecting that version of an object that was the most recent version of that object at the specific time that a process requiring that object began.

Schmidt is directed to a system modeller. Each model in the system modeller is representative of source versions of a particular component software object. Each model contains object pointers including a unique name of the object, a unique identifier descriptive of the chronological updating of a current version of the object, information as to an object's dependencies on other objects, and a pathname representative of the residence storage means of the object. Means are provided in the system editor to notify the system modeller when any one of the objects is being edited by a user. The system modeller is responsive to such notification to track the edited objects and alter their respective models to the current version. The system modeller is adapted to retrieve and recompile source files corresponding to altered models and

App. No. 09/670,073
Amendment Dated April 8, 2005
Reply to Office Action of January 31, 2005

load the binary files of the altered component software objects and their dependent objects into a user's computer.

Neither *Leblang*, *Schmidt*, nor any combination thereof teach all of the limitations recited in Applicants' amended Claim 1. Claim 1, as amended, recites, "assigning a value to a unique identifier that is used to identify a version of software associated with an executable, wherein the value is associated with update information that is used to update the corresponding version of the software; generating a request to obtain location information of the update information using the unique identifier; querying a first server for the location information using the request, wherein: the location information includes information about a location of a second server that comprises the update information, and the location information identifies the second server type; linking the first server to the second server; querying the second server for the update information using a protocol associated with the second server type identified in the location information; receiving the update information from the second server; and updating the version of the software identified by the unique identifier based on the update information."

Specifically, neither *Leblang*, *Schmidt*, nor any combination thereof teach, "querying a first server for the location information using the request, wherein: the location information includes information about a location of a second server that comprises the update information, and the location information identifies the second server type;...querying the second server for the update information using a protocol associated with the second server type identified in the location information."

Claims 8, 13, 19, 29, 36, 47, 56, 59 and 63, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in Claim 1. As discussed above, Claim 1 is allowable. Thus, Claims 8, 13, 19, 29, 36, 47, 56, 59 and 63 are allowable for at least the same reasons that Claim 1 is allowable, and notice to that effect is solicited.

Furthermore, dependent Claims 2-7, 9-12, 14-18, 20-28, 30-35, 37-46, 48-55, 57-58, and 60-62 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited.

App. No. 09/670,073
Amendment Dated April 8, 2005
Reply to Office Action of January 31, 2005

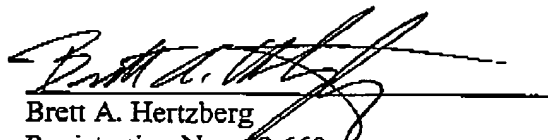
For at least the foregoing reasons, Claims 1-63 are submitted to be allowable, and notice to that effect is solicited.

CONCLUSION

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.


Brett A. Hertzberg
Registration No. 42,660
Direct Dial: 206.342.6255

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

